

**MINUTES
BOARD OF APPEALS
Monday, September 18, 2017
City Hall, Room 604
5:30 p.m.**

*****For more detailed information regarding the meeting, please refer to the audio recording on our website at <http://greenbaywi.gov/event/board-of-appeals-meeting-41/> and follow the time stamp listed on each item.***

MEMBERS PRESENT: Don Carlson–Chair, Greg Babcock – Vice-Chair, Thomas Hoy, Tommy Everman and Noel Halvorsen

OTHERS PRESENT: Paul Neumeyer, Ald. Mark Steuer, Doug Stuiber, Tom Zielinski, Doug Novak, Steve Coel, Salvador Montes Perez, Felipa Banuelos Jim Leduc, Randy Lierman, Darren Opicka, Karen Guns, Kevin Guns, John Larscheid, Deborah Depray, and Dorothy Eggert

D. Carlson called the meeting to order and asked if anyone had gone out to the properties. T. Hoy went to all properties, T. Everman went to properties for items 5 and 6 and all others stated no. He asked if anyone needed to abstain from voting. All stated no. He then asked if any Members had spoken to anyone regarding the variance requests. T. Hoy stated he spoke with D. Novak regarding item 1 and to Ald. A. Nicholson regarding item 6. All other members stated no.

D. Carlson stated that a request has come in from Ald. A. Nicholson to table Item #6 until the next meeting as he is unable to attend. The Guns' stated they still would like to present their variance request this evening.

ELECTION OF OFFICERS:

D. Carlson stated the elections of officers will be held at the end of the meeting.

APPROVAL OF MINUTES:

Approval of the August 21, 2017, minutes of the Board of Appeals. (0:04:48)

A motion was made by N. Halvorsen and seconded by T. Everman to approve the August 21, 2017, minutes of the Board of Appeals. Motion carried. (3-0)

OLD BUSINESS:

1. Bill's Asphalt, on behalf of Doug Stuiber, property owner, proposes to install a driveway in a Low Density Residential (R1) District located at 1053 Shawano Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setback. (Ald. C. Wery, District 8) (0:05:09)

Tom Zielinski - Bill's Asphalt: T. Zielinski presented to Members the variance for a driveway expansion. The current driveway is a gravel driveway.

D. Carlson confirmed with T. Zielinski as to why the variance is needed and what the scope of the work will entail.

A conversation then ensued between Board members. Information included the driveways of surrounding properties and an additional option for a driveway. They agreed there were no issues with the request.

A motion was made by T. Hoy and seconded by N. Halvorsen to grant the variance as requested. Motion carried. (5-0)

NEW BUSINESS:

2. Doug Novak, property owner, proposes to expand an existing attached accessory use in a Low Density Residential (R1) District at 2911 Lost Horizon Road. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2 side yard setback. (Ald. T. Sladek, District 12) (0:10:17)

Doug Novak – 2911 Lost Horizon Road: D. Novak presented to Board members his variance request to expand his garage. He stated the reason for the variance was because his service door is non-functional and that the extra foot would allow him to move the access door and make it functional.

D. Carlson confirmed with D. Novak the reasoning for the variance. A brief discussion ensued with D. Novak regarding setbacks, the driveway and the sidewalk to the service door.

A discussion ensued between Board members. Information included surrounding properties that are in the similar situation as D. Novak. There were no issues with the request.

Steve Coel – Coel Construction: S. Coel stated he is working with D. Novak. He stated that the lot is only 80 ft. wide and that is why things are closer together on the property.

A motion was made by T. Everman and seconded by T. Hoy to grant the variance as requested. Motion carried. (5-0)

3. Salvador Montes Perez and Felipa Banuelos, property owners, propose to widen an existing driveway in a Low Density Residential (R1) District at 315 Gray Street. The applicants request to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1705, maximum driveway width and Section 13-1709(b)(1), setback residential driveways. (Ald. M. Steuer, District 10) (0:16:25)

Felipa Banuelos – 315 Gray Street: A representative translated for F. Banuelos. F. Banuelos is asking for a variance to expand her driveway as her neighbor has put a fence on the property line and she can no longer open her car doors as it hits the fence.

D. Carlson confirmed with F. Banuelos the reason for the variance and that there was plenty of room prior to the fence being put up. F. Banuelos stated yes. She would also like to be able to park two cars side by side in her driveway. A discussion continued regarding the expansion of the driveway.

Ald. Mark Steuer presented pictures to Board members regarding the location of the fence and how little room F. Banuelos has to open her car door. He stated that the lots are small, which he feels is a hardship.

A conversation continued between Board members, Ald. M. Steuer and F. Banuelos regarding the request.

Jim Leduc – 1081 Division Street: He just spoke regarding fence issues.

A discussion ensued between Board members. T. Hoy stated he is having a hard time allowing for the expansion for a second car to be parked in the front yard side by side. They were all in agreement. N. Halvorsen stated he is favoring the request due to the smallness of the lot and the fence issue. However, it should be made clear that the extra width is so that they can come in the driveway, drop off a passenger and not to park two cars wide at the side walk. The discussion continued whether or not 4½ ft. will allow for a second car to be parked or not, even though that is what the applicant is asking for. N. Halvorsen stated that this information can be conditioned in the variance motion. He stated that this decision will help with the fence issue and doesn't allow for extra room to park at the end of the driveway. T. Hoy stated he would like to see the width be smaller to about 3 ft.

A motion was made by G. Babcock and seconded by N. Halvorsen to grant the variance as requested with a 3 ft. wide variance. The variance is only intended for "drop-off" and not for parking. Motion carried. (5-0)

4. Randy Lierman, Lierman Construction, on behalf of Dan and Becky Birr, property owners, propose to construct a single-family dwelling in a Low Density Residential (R1) District at 1431 Hillcrest Drive. The applicants request to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2 front yard setback. (Ald. T. Sladek, District 12) (0:39:11)

Randy Lierman – Lierman Construction: R. Lierman stated he is representing Dan and Becky Birr as they wish to construct a new home on this parcel. He stated the variance they are requesting is for a front yard setback of 20 ft. instead of the required 40 ft. setback established by the existing home on the street. The 40 ft. setback presents an issue due to the fact that more than 50 percent of the land is wetlands. With the 40 ft. setback, they would be in the wetlands. The DNR was contacted and informed them they cannot build on wetlands.

A discussion continued between R. Lierman, Board members and P. Neumeyer. Information included the wetlands, setbacks, the house plans, clarification of the variance, and setbacks on the other side of the street. R. Lierman presented photos regarding the wetlands.

T. Everman asked P. Neumeyer to clarify the setbacks for the houses in the area. P. Neumeyer went into detail regarding the setbacks. There were no issues with the request.

A motion was made by N. Halvorsen and seconded by T. Hoy to grant the variance as requested. Motion carried. (5-0)

5. Darren Opicka, property owner, proposes to install a privacy fence in a Low Density Residential (R1) District at 856 Alpine Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521, maximum fence height. (Ald. T. De Wane, District 2) (0:52:12)

Darren Opicka – 856 Alpine Drive: D. Opicka presented to Members his request to install a 6 ft. fence. The reason for the variance is that he feels he has zero privacy, has medical issues, a 3 ft. is not tall enough for their dogs, and wants to keep his backyard space maximized.

D. Carlson asked P. Neumeyer to clarify the variance and if there was place on his property a 6 ft. fence could be placed. P. Neumeyer explained to Members where a 6 ft. can be placed and at what point it would have to become a 3 ft. fence. The front and corner side yards would need

a 3 ft. fence due to visibility at the street corner. Other items discussed included options if the variance was denied. T. Hoy stated he doesn't feel that the fence is as much of a traffic issue as the hill in his front yard. T. Everman feels the hill creates enough of a privacy barrier and a fence is not needed. T. Hoy stated that they need to take into consideration his medical issues and that the need for privacy is important. D. Carlson is in favor of the request.

A motion was made by T. Hoy and seconded by G. Babcock to grant the variance as requested.

A conversation continued between Board members. T. Everman again stated that he believes the hill accomplishes the goal for privacy and therefore cannot vote in favor of the variance. N. Halvorsen stated he has no issues with the request.

Motion carried. (4-1) (Noes: T. Everman)

6. Karen & Kevin Guns, property owners, propose to retain an existing expanded driveway in a Low Density Residential (R1) District at 918-920 Edgewood Drive. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709(b)(1), setback residential driveways. (Ald. A. Nicholson, District 3) (1:07:45)

Karen and Kevin Guns – 5359 County Road X, De Pere: Karen Guns stated they replaced and expanded their driveway without the proper permits. They widened the driveway because it is only single stall garages, the grass doesn't grow next to the driveway, there is only parking on one side of the street, both tenants have two vehicles and the garage is mostly used for storage. They also stated there are other properties in the area that have the same issue and layout as they currently have. T. Everman asked how did they find out they needed a variance. Karen Guns stated a complaint was called into the City, which resulted in citations.

T. Everman stated he went out to the property and counted 8 other properties with this exact configuration, a concrete slab in front of the door.

G. Babcock asked P. Neumeyer if he knew what Ald. A. Nicholson's position was on the request. P. Neumeyer stated that he thought he may have some concerns and that is why he asked for the item to be tabled so he could attend the next meeting.

G. Babcock stated he feels the item should be tabled until the next meeting so they can hear from the Alderman. D. Carlson agreed.

A motion was made by G. Babcock and seconded by T. Hoy to table the item to the next meeting. Motion carried. (5-0)

7. John Larscheid, Larscheid Family Trust, property owner, proposes to create two lots in a Rural Residential (RR) District at 3615 Luxemburg Road. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, minimum lot area. (Ald. B. Dorff, District 1) (1:15:07)

P. Neumeyer stated that this request is a land division and zoning issue. He explained this is a rural residential area and there are certain size limitations for the division of property, which is 10 acres or more. However, there is a provision that allows for 2.5 acre parcels with a balance of 10 acres. He stated that this parcel is not large enough to divide for either scenario. He explained they want to create two lots for future development. The size of the other lot is 11.5 acres. There wouldn't be an issue if they leave one lot at 10 acres and the lot being 1.5 acres.

P. Neumeyer, J. Larscheid and Members discussed issues regarding the dividing of the property.

A conversation ensued between Board members. N. Halvorsen stated that what Larscheid Family is proposing is the most logical division of the land regardless of the ordinance requirements. The issues in question included wetlands, a drainage way, and a creek. N. Halvorsen stated they have chosen the logical break point in the property.

A motion was made by N. Halvorsen and seconded by G. Babcock to grant the variance as requested. Motion carried. (5-0)

ELECTION OF OFFICERS:

A motion was made by N. Halvorsen and seconded by T. Hoy to cast a unanimous ballot to re-elect D. Carlson for Chair and G. Babcock for Vice-Chair for the Board of Appeals. Motion carried.

A motion was made by T. Everman and seconded by N. Halvorsen to adjourn the meeting. Motion carried. (5-0)